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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/686,284 10/11/00 HUGHS-BAIRD

A 0112300/143

EXAMINER

QM12/0821

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ASHEBURN, S

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

08/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/686,284

Applicant(s)

HUGHS-BAIRD, ANDREA C.

Examiner

Steven L Ashburn

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,931,467 to Kamille in view of U.S. 6,186,894 to Mayerhoff. The patent to Kamille discloses a device for playing a selection game in which players uncover a plurality of selections to reveal game indicia. Kamille describes a variety of indicia that generate added interest to a standard selection game. As seen in figures 1-9, Kamille provides a game in which a player makes a selection from a plurality of selections. Some selections direct the player to make an additional selection in a specified direction; others pay an award; and still others provide indicia used in combinations. The described game can be embodied on a scratch-off ticket or a computer-based device. Kamille the features of the claimed invention except for the following:

- a) Bonus round triggered by an event. (Claims 1, 10)
- b) Number of selections determined by player's wager in primary game. (Claims 3, 12)
- c) Number of selections is sufficient to provide the player the opportunity to select a winning combination. (Claim 4, 13)

Regardless of the deficiencies of Kamille, the features above are either known or suggested by prior references.

Bonus games are commonly employed in the art to heighten a player's interest in a game by offering additional opportunities to win awards at an increased payout frequency. It is well known in

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the art to trigger a bonus game with a predetermined outcome in the primary game. (Claims 1, 10) Additionally, it is well known to use selection-type games as bonus games. Selection games typically provide awards by allowing players to accumulate random selections until the select a game terminating selection or; alternatively, to select associated combinations of selections. Furthermore, it is well known to provide selections offering additional trials in a selection game. The most common example is a "free spin" outcome of the WHEEL OF FORTUNE <sup>TM</sup> game. In view of the above, it would be obvious include a selection outcome providing one or more additional selections in a selection game.

The patent to Mayeroff describes a slot device with a bonus game. The number of chances provided in the secondary game is based on the number of credits wagered in the primary game. (Claims 3, 12. See abstract.) It would be intuitively obvious to one skilled in the art to provide a sufficient number of chances to obtain a winning outcome in the bonus game.

In view of Mayeroff, it would have been obvious to one skilled in the art at the time of the invention to employ the features disclosed by Kamille in a bonus game in which the number of selections was determined by the players wager in the primary game. The resulting device would provide a bonus game to heighten player's interest while motivating them to make larger initial wagers.

#### CONCLUSION

The following prior art made is considered pertinent to applicant's disclosure of record, but not relied upon:

U.S. 5,647,798 to Falciglia  
U.S. 6,224,483 to Mayerhoff

U.S. 5,046,737 to Fienberg  
U.S. 6,176,487 to Eklund et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven L Ashburn whose telephone number is 703 305 3543. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703 308 1148. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 3590 for regular communications and 703 308 3579 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.



Steven Ashburn  
August 16, 2001



**MICHAEL O'NEILL**  
**PRIMARY EXAMINER**